

SAMPLE FINDINGS OF FACT
Zoning Change & Conditional Use

Any reference to a distance is an example only, and not a specific requirement that must be met.

1. The proposed use of the property as single family residential is compatible with adjacent uses because the area within 500 feet contains 24 single family residences.

This example addresses compatibility with adjacent uses.

2. The proposed use of the property for a B-2 Commercial use is not compatible with adjacent uses because the area within 300 feet surrounding the site contains 24 single family residences.

This example addresses non-compatibility with adjacent uses.

3. The use of the property for a B-2 Commercial use is compatible with the surrounding area based upon the adopted recommendations as contained in the Town of Whatever Comprehensive Plan.

This example addresses compatibility with an adopted comprehensive plan.

4. Specific testimony from a Certified Appraiser demonstrated that approval of the proposal would have a negative impact on neighborhood values.

This example addresses a finding for denial based upon factual information.

5. Based upon an opinion of value from a licensed Realtor who has done market analyses on similar properties, it appears that approval of the proposed zoning change will not adversely affect adjacent property values.

This example addresses a factual piece of evidence for approval.

6. Although objections were given to loss of value, there was no factual information presented to substantiate the claim.

This example addresses testimony from area residents/owners concerning loss of value if the application were approved. This finding can be presented as a finding for approval if the "value testimony" cannot be documented. In other words, the "everybody knows" argument needs to be supported with facts.

7. There were no objectors.

This example would be used in addition to other factual findings because it is not a “fact” in support or against something in and of itself. This finding documents that your decision had no testimony in opposition to consider.

8. The proposed zoning change is not appropriate because the existing lot size does not meet the ordinance requirements for lot size within the requested zoning district.

This example of a denial finding is based upon non-compliance with an existing set of regulations.

9. The zoning change is required as a condition of plat (or CSM) approval and will place the property in the appropriate zoning district.

This is an example of an approval finding where a new lot needs to be rezoned in order to meet the lot size requirements based on an ordinance requirement. It can also be used where a plat is approved with a condition that the plat be rezoned to single family, for example.

10. Although opposing testimony indicated only that drainage would be a problem, testimony by the applicant (or by the applicants engineer) indicated that any potential problem could be resolved by (list brief solutions if needed for clarity).

This example of a finding for approval demonstrates that opposing testimony can be overcome with proper supportive testimony.

11. Testimony in opposition by (engineer/hydrologist, etc) factually demonstrated that there was no practical way to overcome potential drainage/groundwater problems. Testimony by applicant offered no feasible alternatives.

This example for denial demonstrates that testimony in opposition can be effective if presented properly.

Again, these are sample findings of fact in support and against a proposed hearing item. These are not the only findings that may be made. Please feel free to use them if appropriate, and fashion other findings in a similar manner.

DO NOT USE THESE
SAMPLE FINDINGS OF FACT

(these were actually used in this county by Towns)

1. "x" is building a home behind uncle "x" property.
2. Sr. "x" live next to the "x" and own 50 acres behind the proposed site.
3. The "x" sold the "x" back the 33 feet for entrance . . right of way.
4. This originally was part of Grandfather Ernie "x" farm which has been divided between sons.
5. A family member is going to build a home on Lot 3.
6. Lot 1 will remain unused at this time.
7. Mr. "x" intends to sell 1 10 acre now to pay debts.
8. Another 10 acre lot will be sold in the futuere.
9. 36.79 acres will remain in farming at the present.
10. It is located partly in a commercial area.
11. The "x" need a home..the old existing home was severly damaged by the wind storm . . and so they will tear it down and build a home.
12. All other land is "x", so David wanted this to be in his and wifes name.
13. Previously they lived in a trailer on the property of "x" and had a herd of cattle . .the barn was destroyed by fire and those animals were sold.
14. The town board approved the zoning request with the conditional use permit for a single family dwelling.

Farming to Institutional

15. This small 8 acre area would be ideal for the location of a “x”
16. It will demand on the town for services.
17. The property is accessible from “x” road.

Exclusive Ag to General Ag

18. The appeals board granted this zoning change
19. there is a grandfathered 3 acre non-metallic mining operation on the site.
20. Having been granted the zoning change, the next step will be for all the acreage to be a non-metallic mining operation.
21. CUP not granted at this point.

Exclusive Ag to Gen Ag

22. Mr. & Mrs. “x” want to continue their farming operation
23. They have several sons who would like at some time in the future to come back and build homes on the farm.
24. Under Exclusive Ag, they would not be able to build homes not working on the farm as full time workers.

Exclusive Ag to Rural “x”

25. The town board approved the zoning request with the conditional permit for a single family dwelling